

FAQs About IDEA 2004

Evaluation and Reevaluation

Is there a timeline for the initial evaluation of a student?

The Evaluation Team must determine if the student is a child with a disability within 60 calendar days of receiving parental consent for an initial evaluation. The district documents the date upon which it received the signed *Evaluation Plan: Notice of Intent to Conduct an Evaluation or Reevaluation and Permission for Evaluation or Reevaluation* form. The 60-day timeline does not apply if the parent repeatedly fails or refuses to produce the child for evaluation. If the parent provides consent for evaluation but the student enrolls in a new district before the previous district determined whether the child is a child with a disability, the parent and new district must agree to a specific time for completion of the evaluation and the new district must promptly complete the evaluation.

Is parental consent for evaluation required for “screenings”?

No. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not an evaluation for eligibility for special education and related services.

Must the student be reevaluated once every three years?

The IDEA 2004 states that a reevaluation is necessary every three years, unless the parent and district agree that a reevaluation is unnecessary and no Evaluation Team meeting will be scheduled.

How does the district document the agreement between it and the parent that a reevaluation is unnecessary?

The district may document this agreement on the IEP form on the Need for Reevaluation To Determine Eligibility or in the Notes. The district could use the *Amendment of Current IEP* form to document this agreement when the decision occurs outside of an IEP meeting.

Must the *Procedural Safeguards* brochure be given to parents each time they provide permission for evaluation?

No. The *Procedural Safeguards* notice (formerly known as the *Parental Rights* brochure) must be provided upon initial referral or parental request for evaluation, upon request by a parent, upon the first occurrence of the filing of a complaint with the OPI, but at least once per year. The sample forms from the OPI dated “July 2005” have been changed to reflect the above requirements for providing the Procedural Safeguards Notice.

The reauthorized Individuals with Disabilities Education Act (IDEA) became effective on July 1, 2005. This list of Frequently Asked Questions (FAQ) sheet is one of a series from the Montana Office of Public Instruction which highlight changes resulting from the reauthorization of the IDEA. Additional changes may result from the final regulations.

If you have further questions, please contact your local special education director or the Montana Office of Public Instruction. A complete listing of current OPI IDEA FAQs can be found at www.opi.mt.gov/speced/FAQs.



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